

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

KELLY SIMPSON,

Plaintiff,

:

Case No. 3:05-cv-428

-vs-

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

:

JIM NICHOLSON, Secretary of the
Department of Veterans Affairs, et al.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #3), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on January 10, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that this action be dismissed with prejudice as barred by the statute of limitations.

January 17, 2006.

s/Thomas M. Rose

Thomas M. Rose
United States District Judge